REMARKS

Independent claims 35 and 37 have been amended to incorporate a portion of the limitation of claims 36 and 38, respectively. Accordingly, claims 36 and 38 have been cancelled. These amendments are made without prejudice to the original claims being pursued in a continuation application. Several additional dependent claims have been added. All of the pending claims are supported by the disclosure.

The examiner has rejected claims 35-38 on obviousness-type double patenting grounds over U.S. Patent No. 6,223,187. Applicants have submitted herewith a terminal disclaimer to overcome the rejection.

The examiner has also rejected the independent claims (35, 37) under 35 U.S.C. §103 as unpatentable over Buchanan in view of Nguyen. The examiner is urged to reconsider and withdraw the rejection.

The invention is directed to identifying a record of a first database, as part of a process of synchronizing the first database with a second database, by assigning a hash-based code to the record, and using the hash-based code in the synchronization process to determine whether the record is identical to a record of the second database.

Neither Buchanan or Nguyen, alone or in combination, even remotely suggest the invention. Buchanan has nothing in common with the invention other than that it relates to synchronization of databases. It does not suggest using a hash number for any purpose. Nguyen has nothing to do with synchronization of databases, and merely discusses efficient ways of computing hashes of database records. It is only with the hindsight afforded by knowledge of the invention that anyone could seriously assert that putting these two references together would produce the invention (even if there were motivation to make the combination, and none exists). There are all sorts of ways that hashes of database records could be used other than as an aid to synchronization as required by the invention, and thus the mere fact that Nguyen suggests taking hashes of database records does not come even close to suggesting the invention. All one has with a combination of the two references is the knowledge that databases can be synchronized

and that hashes can be taken of database records. Much, much more is required to reach the invention.

Accordingly, the independent claims are in condition for allowance.

The remaining claims are all properly dependent on one or more of the independent claims, and thus allowable therewith. Each of the dependent claims adds one or more further limitations that enhance patentability, but those limitations are not presently relied upon. For that reason, and not because applicants agree with the examiner, no rebuttal is offered to the examiner's reasons for rejecting the dependent claims.

Allowance of the application is requested.

Attached is a marked-up version of the changes being made by the current amendment.

Upon reviewing the file, applicants noted that they have not received an initialed copy of the enclosed PTO Form 1449 that accompanied an information disclosure statement filed October 17, 2002. Applicants' records show that this information disclosure statement complied with 37 CFR 1.97. Thus, we respectfully request that the examiner initial and return this form as soon as possible.

Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 2/26/03

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Version with markings to show changes made

In the claims:

Claims 35 and 37 have been amended as follows:

--35 (Amended) A computer implemented method of identifying a record of a first database, as part of a process of synchronizing the first database with a second database, comprising:

reading a first record of the first database;

assigning a code to the first record of the first database, the code [being] comprising a hash number computed based on at least a portion of the content of the first record of the first database, [the code being insufficient to reconstruct the record but sufficient to identify the record;] and

using the code in the synchronization process to determine whether a record of the second database is identical to the first record of the first database.

37. (Amended) A computer program, resident on a computer readable medium, for identifying a record of a first database as part of a process of synchronizing the first database with a second databases, comprising instructions for

reading a first record of the first database;

assigning a code to the first record of the first database, the code [being] comprising a hash number computed based on at least a portion of the content of the first record of the first database, the code being insufficient to reconstruct the record but sufficient to identify the record; and

using the code in the synchronization process to determine whether a record of the second database is identical to the first record of the first database. --